



Tony Hubbard - M1V1AC &lt;tony.hubbard@gsa.gov&gt;

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## Eligibility to Use GSA Sources of Supply and Services (OGP 4800.2I)

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Tony Hubbard - M1V1AC &lt;tony.hubbard@gsa.gov&gt;

Fri, Mar 29, 2019 at 11:46 AM

To: cmccloskey@ups.com

Cc: Chris Mullins - M1V1AC &lt;christina.mullins@gsa.gov&gt;, ronnie.palmer@gsa.gov

Please excuse the typo, where it says DIO we mean DOI = Department of Interior.

On Fri, Mar 29, 2019 at 11:43 AM Tony Hubbard - M1V1AC <tony.hubbard@gsa.gov> wrote:

Hi Craig,

Let me answer your initial question and get back to you on the latter. GSA has not determined eligibility for Alabama Quassarte Tribe, therefore they are neither eligible nor ineligible for GSA sources of supply because we have not received a formal request for Eligibility Determination. Our determinations are specific to entities requesting access to GSA sources of supply and services as authorized to the GSA Administrator (see **OGP 4800.2I**). As indicated in my email, Alabama Quassarte Tribe may have agreements with DOI- BIA that provides them eligibility for federal contracts or services unrelated to GSA. I would consult with DIO-BIA for specifics on all matters outside of the authorities specified in **OGP 4800.2I** as they relate to Tribes and Tribal organizations.

DIO published [this list](#) in the federal register of "Indian Entities Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs (BIA)", we highly recommend reviewing [this list](#) and consulting DOI-BIA to address your concern of their eligibility for general federal services or contracts. I hope this helps clarify GSA's position on Alabama Quassarte Tribe.

Federal register direct link:

<https://www.federalregister.gov/documents/2019/02/01/2019-00897/indian-entities-recognized-by-and-eligible-to-receive-services-from-the-united-states-bureau-of-i>

Thank you,

On Fri, Mar 29, 2019 at 10:58 AM <cmccloskey@ups.com> wrote:

Tony,

Thank you very much for responding to my inquiry regarding interpretation of OGP 4800.2I. Your response brought some much needed clarity. Am I correct in concluding from your statements below that the Alabama Quassarte Tribe is currently not eligible to participate in federal contracts? They are currently heavy users of federal rates for small package shipments under US Transportation Command's Next Generation Delivery Service contract (NGDS). Before we challenge their usage, I want to make sure UPS is in alignment with GSA's opinion on this matter.

Also, while I have your attention, I was wondering if you could provide similar clarity to the *Use of GSA Sources of Supply and Services* by nonprofit entities. In paragraph 3 (Background) and again in paragraph 7.b., OGP 4800.2I indicates that certain qualified nonprofit entities are limited in their use of GSA contracts for the purpose of "making or providing an approved commodity or service to the Government." It appears information to validate this purpose is not being requested when making a determination of a nonprofit's eligibility. Is it left to the nonprofit entity and the contractor to manage compliance with this limitation? How would you recommend we handle a situation where a nonprofit is using their contract shipping rates for purposes other than making or providing an approved commodity or service to the Government? Should this be reported to GSA?

Thanks for your support and have a great weekend!

Regards,

Craig McCloskey

UPS

Director of Government Contracts Compliance

[cmccloskey@ups.com](mailto:cmccloskey@ups.com) (b) (6)

**From:** Tony Hubbard - M1V1AC [mailto:[tony.hubbard@gsa.gov](mailto:tony.hubbard@gsa.gov)]

**Sent:** Wednesday, March 27, 2019 11:53 AM

**To:** MCCLOSKEY CRAIG (NAT1CJM) <[cmccloskey@ups.com](mailto:cmccloskey@ups.com)>

**Cc:** Chris Mullins - M1V1AC <[christina.mullins@gsa.gov](mailto:christina.mullins@gsa.gov)>

**Subject:** [EXTERNAL] Eligibility to Use GSA Sources of Supply and Services (OGP 4800.2I)

Good morning Mr. McCloskey,

Thank you for your email dated March 13, 2019, requesting clarification on the implementation of U.S. General Services Administration (GSA) Order OGP 4800.2I—*Eligibility to Use GSA Sources of Supply and Services* and its applicability to Tribes and Tribal Organizations.

GSA is committed to providing Tribes and Tribal Organizations access to GSA sources of supply, as allowed by law. Currently, GSA Order OGP 4800.2I states that, for purposes of GSA's procurement authority under 40 U.S.C. § 501, Tribes and Tribal Organizations are deemed executive agencies only **“when carrying out a contract, grant or cooperative agreement under the Indian Self-Determination and Education Assistance Act.”**

These provisions are based on the Indian Self-Determination and Education Assistance Act. To ensure compliance with the Act, GSA requests that:

- A Tribe or Tribal Organization seeking access to GSA sources of supply and services provide documentation showing that the Tribe or Tribal Organization is actively carrying out a valid contract, grant, or cooperative agreement; or
- In the case of GSA Fleet, that the self-determination contract contains the required provision.

If a Tribe or Tribal Organization is determined eligible based on the GSA Order OGP 4800.2I a formal letter is issued to the requesting entity. GSA's letters of eligibility include, but are not limited to, the following limitations:

- **Eligibility cannot be transferred to a third party.**
- **Eligibility does not authorize purchases for resale.**
- Eligibility is only valid when carrying out a contract, grant or cooperative agreement under the Indian Self-Determination and Education Assistance Act (ISDEAA).
- Although entities may be eligible, sources may not be accessible due to limits of supply, geographical constraints, or other reasons (*e.g.*, GSA Fleet Leasing). This is determined by the specific program.

- An entity's eligibility for GSA sources of supply does not necessarily grant individual employees the ability to utilize those sources (*e.g.*, GSA SmartPay travel cards). This is determined by the specific program.
- Administrative support services for certain programs that may be provided to eligible entities from GSA are not governed by this letter. This is determined by the specific program.

The Alabama Quassarte Tribe submitted an inquiry on the eligibility determination process but has not submitted a formal request for a determination. The relationships established with Tribes and Tribal Organizations through The Department of Interior (DOI) - Bureau of Indian Affairs (BIA) may provide other relevant authorities. Outreach to DOI BIA could be of benefit to you for the purposes of your concern.

If you have any additional questions or concerns, please contact Tony O. Hubbard at [tony.hubbard@gsa.gov](mailto:tony.hubbard@gsa.gov) or (202) 357-5810.

Thank you,

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**U.S. General Services Administration**

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